UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/C.12/Q/UKR/2
21 September 2000

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
Pre-sessional working group
4-8 September 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the fourth periodic report of Ukraine concerning the rights covered by articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.2)

I. GENERAL INFORMATION

1. Please list the main problems engendered by the process of State-building under the conditions of a transitional economy.

2. Please explain the principal reasons for the continuing decline in gross domestic product (GDP) and the measures which the State party has taken to slow or arrest this trend in 1999/2000. What was the per capita GDP figure for 1999?

General legal framework within which human rights are protected

3. Please provide information on the status of the Covenant in the domestic legal order and whether rights contained in the Covenant are justiciable.

4. Please give more details about the content of the Declaration of the Rights of Ukrainian Nationalities and how it is implemented in practice.

5. Please indicate which recommendations contained in the concluding observations (E/C.12/1995/5) adopted by the Committee on Economic, Social and Cultural Rights in 1995 with respect to the third periodic report of Ukraine have been acted on, and which have yet to be implemented.

6. Please supply information about the State organs responsible for protecting human rights, in particular, economic, social and cultural rights, giving a brief description of their work and the nature of their cooperation with relevant non-governmental organizations (NGOs).

7. Please provide more detailed information with regard to the activities of the Office of the Ombudsman. What is its current status and how does it function? Please indicate whether its mandate includes economic, social and cultural rights. If yes, please provide more detailed information in this respect.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.2. Non-discrimination

8. Please provide information about the obligations of aliens and stateless persons under article 26, paragraph 1, of the Constitution.

9. How many people in the State party speak Russian as a mother tongue, and how are their rights, as set out in the Covenant, protected under the new Official Language Act?

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Article 6. Right to work

10. Please comment on the impact of the amended Employment Act of 1997 on the employment situation.

11. Please describe the impact of the Presidential Decree on the social policy for the period 1997-2000, aimed at sounder management of resources and the securing of full employment.

12. Why do women and young people account for such large proportions of the unemployed (according to paragraph 95 of the report, 56.2 per cent and 37.1 per cent respectively)? Is there a special programme to deal with youth unemployment?

13. According to paragraph 99 of the report, there were plans to lay off some 54,000 miners in the run-up to the year 2000. Are there any statistics that show how the re-employment of miners has been addressed?

14. Please provide more details on the State party's public works programmes.

15. In the State party's programme to develop labour resources, currently at the drafting stage, what weight will be given to a package of measures to combat unemployment, especially youth unemployment, and in what sectors is it planned to create new jobs?

16. What special investment arrangements apply in the special economic zones that are being set up, and how much local inward investment has there been? What impact will the development of these zones have on the implementation of the Covenant with respect to those working in such zones?

Article 7. Right to just and favourable conditions of work

17. What was the minimum wage at the end of 1999, and how does this correlate with the minimum subsistence standard?

18. Please provide information on the State party's compliance with the constitutional provision concerning equality of employment opportunities and remuneration. What are the special measures to protect women's health and safety at work.

19. Please give industrial injury statistics for 1999.

Article 8. Trade union rights

20. Please provide statistics on strikes in the State party during the period 1998-1999.

21. In relation to strikes which are deemed illegal, please specify what sanctions the law of the State party envisages against persons who organize such strikes, and how many strikes fell into this category in 1998-1999.

22. What are the legal requirements for setting up a free trade union and what is the minimum number of members required to form a trade union?

Article 9. Right to social security

23. Please provide statistics on the impact of the reform of the social security system in the period 1998-1999, particularly with respect to the most vulnerable groups (women, youth, older persons, minorities and disabled).

24. Please describe in more detail the contents of the Outline for Social Insurance of the Population of Ukraine approved by the Verkhovna Rada. What measures are being taken by the State party to implement it?

25. Please give a fuller explanation of the system whereby social partners administer insurance funds, as described in paragraph 184 of the report.

26. Describe the budgeting arrangements for the local centres and independent offices which provide a social safety net for elderly and disabled citizens living alone, and how effective they are in dealing with these matters.

Article 10. Protection of the family, mothers and children

27. What special State programmes exist or are envisaged to help families with more than three children and women bringing up children born out of wedlock?

28. What policy has been adopted by the State party to address the problem of street children?

29. What was the amount of residential construction for young people in the period 1998-1999? How many young families seeking accommodation have obtained accommodation through the Youth Housing Construction Fund?

30. Please describe the activities of the network of institutions established to help women and girls exposed to violence, including domestic violence (sources of finance, nature of rehabilitation programmes, counselling, help with finding work or training, etc.).

31. Please provide information about the programmes, referred to in paragraph 243, to prepare young fathers for family life (sources of finance, contents).

32. Please give further details about programmes to combat drug addiction and alcoholism among young people.

Article 11. Right to an adequate standard of living

33. Is there a poverty threshold in the State Party's social programmes? Who is categorized as poor, and what percentage of the total population is poor?

34. Please specify under what circumstances a person evicted from property owned by the State or a public housing fund may lose their opportunity to obtain new accommodation, as referred to in paragraph 279 of the report.

Article 12. Right to physical and mental health

35. Please provide additional information on the increase in the general mortality rate and on the measures the State party is taking to reverse this negative trend.

36. Please provide more detailed information on the measures taken to minimize the effect of radioactivity on the health of the people living in the Chernobyl area.

Article 13. Right to education

37. Please indicate how many Ukrainian citizens actually receive the complete secondary education provided for by article 53 of the Constitution, and the proportion of young people of school age who do not have a school-leaving certificate.

38. Please describe the forms of financial and social assistance provided to university students.

39. Please explain whether the Committee's General Comments No. 11 and No. 13 on the right to education have been integrated into the State Party's educational policy.

40. What measures are being taken to remedy the shortage of primary and secondary school teachers in the State party?

Article 15. Right to take part in cultural life and to enjoy the benefits of scientific progress and the protection of intellectual property

41. Please provide information about the rights of national minorities in the State party, particularly regarding the use of their native language and the organization of schools.

42. Please provide more detailed statistical information regarding the presidential stipends and grants for outstanding cultural workers and grants for gifted young people, etc. What bodies award grants to creatively gifted young people?

43. What penalties are provided for under the Ukrainian Criminal Code for the usurpation of another person's rights in regard to inventions, discoveries, utility models, industrial designs or innovations (rationalization proposals)?

44. Please give details of legal safeguards for the intellectual and creative work of Ukrainian citizens, including protection of intellectual property.